IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 18684 of 2007(Y)

PETITIONER:

A.SURESH, S/O.ANTONY, AGED 35,
T.C. 32/1162, PUTHUVAL VEEDU,
32/TITANIUM, THIRUVANANTHAPURAM.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENTS:

1. STATE BANK OF INDIA,
   REPRESENTED BY ITS DEPUTY GENERAL MANAGER,
   ZONAL OFFICE, LMS COMPOUND, THIRUVANANTHAPURAM.

2. CHIEF MANAGER, STATE BANK OF INDIA,
   NANTHANCODE BRANCH, THIRUVANANTHAPURAM.

3. BRANCH MANAGER, STATE BANK OF INDIA,
   NANTHANCODE BRANCH, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.18684 of 2007

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Dated this the 24th day of July, 2007

J U D G M E N T

The petitioner challenges proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. At the time of admission of the writ petition this court had granted an interim order on condition that the petitioner pays an amount of rupees one lakh within three weeks. Admittedly that amount has not been paid yet.

2. The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act provides for an appeal against proceedings under that Act before the Debts Recovery Tribunal. The Supreme Court has held that ordinarily this court should not interfere with such proceedings in exercise of jurisdiction under Article 226 of the Constitution of India. The petitioner has not made out any special circumstances for

interference. In this above circumstances, this writ petition is dismissed without prejudice to the right of the petitioner to approach the DRT as provided under the Act. The petitioner is free to contend that since he was bona fide prosecuting this writ petition, the period during which the writ petition was pending should be excluded from the period of limitation for filing such an appeal.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.